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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,283	11/26/2003	Henna Fabritius	915-007.061	5576
4955 7590 04/04/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER LEE, JINHEE J	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/04/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/723,283

Applicant(s)

FABRITIUS, HENNA

Examiner

Jinhee J. Lee

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 0905, 0805
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's amendment of claims 17-25 to the method or device for changing orientation is accepted.

Applicant has elected group 1 by amending the claims.

Claims 1-12, 14-26 were examined.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-12, 14-26 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Limitation specifying "course of motion" is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The claim language using "a course of motion" is vague and omits essential elements, and does not enable a person skilled in the art to make and use this method or device. Specify with clarification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 and 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "course of motion" is confusing. Clarify.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claims 1-11, claims 1-11 claims a data structure, however, it appears the limitations of said claim are merely claiming statements defining various items, therefore said limitations do not appear to be defining any functional interrelations which permits the computer program's functionality (or data structure's functionality) to be realized.

In view of the above, claims 1-11 are therefore directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai (2003/0184525).

Re claim 1, Tsai discloses a method for changing an orientation of a User Interface, comprising: detecting a course of motion that is performed on said user interface, and changing said orientation of said user interface with respect to a device said user interface is integrated in according to said detected course of motion (see abstract) .

Re claim 2, Tsai discloses a method, wherein said course of motion is performed on said user interface via a user interface interaction device (see abstract) .

Re claim 3, Tsai discloses a method, wherein said user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 1a-1c for example) .

Re claim 4, Tsai discloses a method, wherein said user interface interaction device is a device that controls the movement of an element on said user interface (see abstract and figures 1a-1c for example) .

Re claim 5, Tsai discloses a method, wherein said course of motion is performed on said user interface by dragging an element that is displayed on said user interface (see abstract and figures 1a-1c for example) .

Re claim 6, Tsai discloses a method, wherein said element is located near an edge of the user interface. (See abstract and figures 1a-1c for example)

Re claim 7, Tsai discloses a method, wherein said course of motion is performed on said user interface by drawing a gesture on said user interface (see abstract and figures 2a-2c for example) .

Re claim 8, Tsai discloses a method, wherein said gesture is a circle of a part thereof (see abstract and figures 2a-2c for example) .

Re claim 9, Tsai discloses a method, wherein said detected course of motion is visualized on said user interface (see abstract and figures 2a-2c for example) .

Re claim 10, Tsai discloses a method, wherein said orientation of said user interface is changed by 90.degree., 180.degree. or 270.degree. with respect to the device said user interface is integrated in (see abstract and figures 1a-1c for example) .

Re claim 11, Tsai discloses a method, wherein images that are displayed on said user interface are transformed and/or re-scaled according to said changed orientation (see abstract and figures 1a-1c for example) .

Re claim 12, Tsai discloses a method, wherein said user interface is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019) .

Re claim 14, Tsai discloses a computer program product stored on a data processing readable medium, the computer program product comprising a computer program with instructions operable to cause a processor to perform the method of claim 1 (see abstract and paragraph 0020 for example).

Re claim 15, Tsai discloses a device for changing an orientation of a user interface, comprising: a detector for detecting a course of motion that is performed on said user interface, and a processor and controller for changing said orientation of said user interface with respect to a device said user interface is integrated in accordance to said detected course of motion (see abstract and figures 1a-1c for example) .

Re claim 16, Tsai discloses a device , wherein said device for changing an orientation of said user interface is integrated in a hand-held device, in particular a mobile phone or a Personal Digital Assistant (see abstract and paragraph 0019 for example).

Re claim 17, Tsai discloses a device, comprising: at least one user interface.

Re claim 18, Tsai discloses a device, further comprising a user interface interaction device, via which said course of motion is performed on said at least one user interface (see abstract and figures 1a-1c for example) .

Re claim 19, Tsai discloses a device, wherein said at least one user interface is a touch-screen display and wherein said user interface interaction device is a touching device (see abstract and figures 1a-1c for example) .

Re claim 20, Tsai discloses a device, wherein said user interface interaction device is a device that controls the movement of an element on said at least one user interface (see abstract and figures 1a-1c for example) .

Re claim 21, Tsai discloses a device, wherein said course of motion is performed on said at least one user interface by dragging an element that is displayed on said at least one user interface (see abstract and figures 2a-2c for example) .

Re claim 22, Tsai discloses a device, wherein said course of motion is performed on said at least one user interface by drawing a gesture on said at least one user interface (see abstract and figures 2a-2c for example).

Re claim 23, Tsai discloses a device, further comprising means for visualizing said detected course of motion on said at least one user interface (see abstract and figures 2a-2c for example) .

Re claim 24, Tsai discloses a device, wherein said orientation of said at least one user interface is changed by 90.degree., 180.degree. or 270.degree. with respect to said mobile phone (see abstract and figures 1a-1c for example) .

Re claim 25, Tsai discloses a device, further comprising means for transforming and/or re-scaling images that are displayed on said at least one user interface according to said changed orientation (see abstract and figures 1a-1c for example) .

Re claim 26, Tsai discloses a device for changing an orientation of a user interface, comprising:

Means for detecting a course of motion that is performed on said user interface, and

Means for changing said orientation of said user interface with respect to a device said user interface is integrated in accordance to said detected course of motion (See abstract, paragraphs 0019, 0020 and figures 1a-1c for example).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee  
Primary Examiner  
Art Unit 2174



jjl